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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the high-level panel discussion dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to decision 22/22 of the Human Rights Council. It provides a summary of the high-level panel discussion dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide.

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I. Introduction

1. Pursuant to its resolution 22/22, the Human Rights Council held a high-level panel discussion on 7 March 2014, at its twenty-fifth session, dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide.

2. Baudelaire Ndong Ella, President of the Human Rights Council, chaired the panel discussion. Navi Pillay, United Nations High Commissioner for Human Rights, and Eduard Nalbandian, Minister of Foreign Affairs of Armenia, delivered opening statements. The panellists were Esther Mujawayo, a sociologist, author and Rwanda genocide survivor; Adama Dieng, Special Adviser on the Prevention of Genocide; and Jonathan Sisson, Senior Adviser, Task Force for Dealing with the Past (and Prevention of Atrocities), Swiss Federal Department of Foreign Affairs.[1]

3. The present document was prepared pursuant to resolution 22/22 of the Human Rights Council, under which the Office of the United Nations High Commissioner for Human Rights (OHCHR) is requested to prepare a summary report on the panel discussion.

II. Opening statements

4. In her opening remarks, the High Commissioner for Human Rights stated that the Convention on the Prevention and Punishment of the Crime of Genocide was the first human rights treaty adopted by the United Nations, in 1948. In order to ensure that it was fully and universally implemented, she encouraged those States that had not yet done so to become parties to that important instrument. She emphasized that the prohibition of genocide was not an ordinary rule of international law but rather *jus cogens* – a fundamental, overriding principle. Every State had to ensure that its agencies and officials did not commit acts of genocide. Furthermore, States were under the legal obligation to take all measures within their powers to prevent genocide "wherever they may be acting or may be able to act". That included using all the influence that States could deploy in order to contribute to the prevention of acts of genocide anywhere in the world.

5. With regard to the root causes of genocide, the High Commissioner stressed that genocide and other mass atrocities were never unleashed without warning. They were the culmination of a long period of violations of human rights – whether these be civil, cultural, economic, political or social – that were ignored, giving rise to social divisions, institutional failures and clearly identifiable patterns of systematic discrimination. Referring to her experience as a judge, and then as President of the International Criminal Tribunal for Rwanda for several years, the High Commissioner said that she had heard witnesses and victims testify that direct and public incitement to commit genocide against Tutsis had permeated gradually through society and had led to the perpetration of other acts of genocide. The process was akin to seeing a pool of petrol forming drop by drop, until a point was reached when a flash of violence set the whole country alight.

6. The High Commissioner stated that discrimination prepared the ground for violence and persecution, the dehumanization of entire communities, and ultimately genocide. The Committee on the Elimination of Racial Discrimination had identified key factors that may lead to genocide and thus required an immediate response. These included systematic and

[1] Owing to unforeseen circumstances, two panellists (Claudia Paz y Paz, Attorney-General of Guatemala, and Youk Chhang, Director, Documentation Centre of Cambodia) were unable to take part in the panel discussion, but contributed via their submission of written papers.

official denial of the existence of distinct groups, biased accounts of historical events serving to demonize certain groups, and political leaders who fostered tensions by espousing exclusionary ideologies, justifying discrimination, or encouraging violence.

7. With regard to the role of human rights mechanisms and United Nations entities, the High Commissioner emphasized that the human rights treaty bodies, and the Human Rights Council via the universal periodic review and the special procedures mandate holders, played a major role in preventing genocide. They may observe signs indicating a percolation of discrimination and violence into society, and those signs should focus the attention and action of the international community. The High Commissioner stressed that OHCHR had not shied away from speaking out when there was a risk of genocide or mass atrocities. In that connection, she welcomed the close cooperation between OHCHR and the Office on Genocide Prevention and the Responsibility to Protect. She also noted that the prevention of genocide and other mass atrocities concerned all United Nations entities. In response to the Internal Review Panel on United Nations Action in Sri Lanka, the Secretary-General had adopted the Rights up Front Action Plan to ensure that United Nations activities were underpinned by a robust system for the timely gathering and analysis of information on threats to populations. The High Commissioner firmly believed that the full implementation of the plan would assist the international community in its solemn duty to prevent genocide and other mass atrocity crimes.

8. The High Commissioner further noted that the Genocide Convention required States to ensure that perpetrators did not enjoy impunity. Accountability was vital in ensuring the rights of victims to an effective remedy. Only renewal of the rule of law and of accountability could reshape society after such profound trauma and reinstate human rights and the principles of equality and dignity. In that regard, she referred to the achievements of several international and hybrid tribunals created over the past 20 years in ensuring accountability and deterrence, including the International Criminal Court. The High Commissioner emphasized that the International Criminal Court could only exercise its role as a powerful deterrent if it was backed by a sustained commitment from all stakeholders, including the full cooperation of all States. A successful International Criminal Court would be one that saw universal acceptance of its jurisdiction, without limits to its reach and exception. To date, 122 States had ratified the Rome Statute. She urged all remaining States to become parties.

9. The High Commissioner also noted that international justice was the last resort. International law required States to take appropriate measures within their domestic legal systems to investigate, prosecute and punish perpetrators of genocide. In that regard, she highlighted some challenges encountered by States, including the lack of a clear political commitment to enforce accountability and the lack of respect for relevant human rights norms and standards. With regard to the judicial system, challenges included a lack of independence of the judiciary, the absence of due process and fair trials, and inadequate judicial capacity to investigate and prosecute crimes. In particular, the perpetrators included official entities and individuals who had been, or may remain, politically powerful. Finally, the High Commissioner pointed out the need for adequate legislation and programmes to protect witnesses and victims. It was important to ensure that victims had the right to seek reparation for genocide and other heinous crimes, as provided by the Rome Statute of the International Criminal Court.

10. In her conclusion, the High Commissioner reiterated that all too often, genocide was preceded by repeated warning signs that did not receive a strong and early international response. She urged the international community to stay alert to the warning signs so that, if detected, they could be responded to swiftly and in a common front by all stakeholders. Timely responses to warning signs prevented genocide, and protected democracy, the rule of law and human rights.

11. In his statement, Eduard Nalbandian, Minister of Foreign Affairs of Armenia, said that Armenia felt a strong moral responsibility to add its contribution to international efforts for the prevention of crimes against humanity. In that context, he discussed Armenia's initiatives on the prevention of genocide, including its sponsoring of the Human Rights Council's resolution on genocide prevention. He also highlighted the work of the Human Rights Council and other United Nations bodies that had played an important role in the Genocide Convention. He praised the personal involvement of the Secretary-General of the United Nations, who had provided guidance on how to improve ongoing cooperation, and the valuable contribution of the Special Adviser on the Prevention of Genocide.

12. Mr. Nalbandian noted that despite the fact that the Genocide Convention had been adopted in 1948, genocides and crimes against humanity had still been committed over the ensuing decades, including in recent years and in different parts of the world. He emphasized that the international community needed not only debates, resolutions, declarations and conventions, but also effective mechanisms and action to prevent the recurrence of genocide. Genocide prevention required the development both of enforcement measures and of preventive measures. Mr. Nalbandian further noted that genocide was a complex phenomenon that did not follow a single model. An effective prevention strategy needed to be based on a thorough analysis of all modern genocide cases and a full understanding of the history and causes of past genocides. The international community must learn from past failures and be open to new ideas. The perpetrators of genocide should have no doubt that they would be held responsible. He also referred to the efforts of Raphael Lemkin who, when coining the term "genocide", made reference to the policy of mass extermination that had been perpetrated against the Armenians.

13. Referring to the preventive measures envisaged in Human Rights Council resolution 22/22, Mr. Nalbandian noted that genocide prevention should include three pillars: early warning, human rights protection, and public campaigns of education and awareness-building. He emphasized that the international community should aim to prevent genocide as early as possible. Although both the United Nations and regional organizations had made substantial progress in improving early warning and assessment systems over the past decades, he urged the international community to ensure that those advances continued. Mr. Nalbandian stressed that early identification of risks of genocide and early warning would not be effective unless they were followed by concrete forms of deterrence. He stated that the prevention of genocide was part of international mechanisms for human rights protection. Genocide was an unthinkable crime for a society founded on the protection of human rights, mutual respect, tolerance and non-violence. Mr. Nalbandian also highlighted the importance of public education and remembrance, in order for future generations to know the history of past tragedies. The acknowledgement and condemnation of past genocides acted as a powerful deterrent against recurrences of genocide.

14. Mr. Nalbandian stressed that denial of genocide, along with impunity, paved the way for the occurrence of crimes against humanity. In the light of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, of 1968, he recommended that the international community stand together in the recognition, condemnation and punishment of past genocides and in its efforts to prevent future genocides. The days of remembrance honouring the victims of genocides should be days of mourning for all, including for the descendants of victims and for the descendants of perpetrators. In honouring the victims, the goal should be to foster cooperation and reconciliation.

15. Mr. Nalbandian also stated that the civilized world resolutely rejected incitement to hatred, racism, intolerance, genocide (including its denial), and crimes against humanity. The prevailing opinion of international genocide scholars was that denial itself constituted a continuation of genocide. In his conclusion, he said that the effectiveness of each treaty,

including the Genocide Convention, should be evaluated on the basis of its implementation. Therefore, in order to ensure maximum effectiveness of the Genocide Convention, he called upon States that had not yet acceded to it to sign and ratify the Convention.

III. Contributions of the panel

16. Esther Mujawayo began her remarks by observing that April 2014 marked 20 years since the Rwandan genocide, which had started on an Easter Sunday. In a moving testimony, Ms. Mujawayo recalled the events leading up to the genocide, saying that tensions were felt months before it occurred, with radio stations playing catchy songs that called for the extermination of the Tutsis. On 7 April 1994, the killings of the Tutsis started on a mass scale and every place was dangerous.

17. Ms. Mujawayo held up a photo of her extended family to show the audience that everyone in the photo had been killed – except for herself and her niece. She asked the audience whether it was really possible for anyone to survive if that person had already lost everyone close to her. Ms. Mujawayo said that she had lived in a vacuum since, because although she had survived, she no longer felt alive. She said that she suffered from survivor's guilt, made worse because she had not been able to bury the bodies of her loved ones. She added that the genocide had led to the killing of men, women and children, and indicated a loss of all societal values. Even churches and other traditional sanctuaries had become slaughterhouses. To have been able to kill one million people in 100 days meant that everyone in Rwanda had to have been involved. Rwandan society had been completely blown apart, and everything had changed. Ms. Mujawayo reminded the audience that the genocide had taken place 45 years after the Convention had entered into force. She ended her remarks by asking the Council what was being done to restore justice.

18. The Special Adviser on the Prevention of Genocide stressed how unfortunate it was that, 65 years after the adoption of the Genocide Convention, the international community still had to reaffirm the Convention's importance. He noted that the Holocaust had been a horrific, unique experience, but that it had only been an extreme version of what populations had repeatedly suffered before the twentieth century and would continue to suffer. Referring to current ethnic and religious tensions and the extreme forms of identity-based violence taking place in various regions of the world, he noted that there was a dangerous increase in the number of situations meriting the urgent attention of the international community.

19. The Special Adviser recalled that the Genocide Convention was the first human rights treaty of the United Nations, which spoke to its significance. In addition to setting out norms relating to the punishment of the crime of genocide, one of the most important contributions of the Convention was that it had also established the responsibility to prevent genocide. He emphasized that preventing genocide did not mean responding when the crime was already unfolding. If genocide was already under way, the international community had failed to meet its obligation and responsibility under the Convention to prevent it. He stressed that the responsibility to prevent genocide fell to all actors, including regional organizations, States, international organizations, civil society and individuals.

20. With regard to the role of the United Nations, the Special Adviser emphasized that "lessons learned" exercises after the failure to prevent or halt the genocides in Rwanda and Srebrenica had focused on improving the mechanisms for preventing genocide and other atrocity crimes. The inquiry reports into those two cases had generated a number of decisions at different levels. He recalled that the Secretary-General of the United Nations had presented his Action Plan to Prevent Genocide in 2004 and had appointed a Special Adviser on the Prevention of Genocide to act as an early warning mechanism.

21. Member States had made a landmark commitment at the 2005 World Summit, articulated in paragraphs 138 and 139 of the outcome document. In that document, all Heads of State and Government affirmed their responsibility, both individual and collective, to protect populations by preventing genocide, war crimes, ethnic cleansing and crimes against humanity, and incitement to such crimes. As each of the five annual reports of the Secretary-General on the responsibility to protect had underlined, preventive action lay at the core of the three pillars of the responsibility to protect.

22. The Special Adviser also highlighted various regional initiatives to develop preventive capacity, such as the establishment of the Regional Committee for the Prevention and Punishment of Genocide, War Crimes and Crimes against Humanity and all Forms of Discrimination, by the International Conference on the Great Lakes Region, and of the Latin American Network for the Prevention of Genocide and Mass Atrocities. He also referred to inter-agency arrangements, and to the nomination of focal points on the responsibility to protect or on the prevention of genocide. He referred to the Global Action Against Mass Atrocity Crimes meeting that had taken place in Costa Rica in March 2014, which had brought together 56 States that had appointed the focal points. He further highlighted national prevention initiatives launched by members of various regional networks.

23. The Special Adviser acknowledged the important role played by the Human Rights Council in advancing prevention, including the Council's role in establishing commissions of inquiry and in addressing specific situations of concern. He stressed that the Council was an important body in the area of genocide prevention, whose voice should be heard more frequently and more consistently. He recommended that the Council endeavour to anticipate the risk of atrocity crimes and that it engage at an early stage to pre-empt escalations of tensions into potentially genocidal violence. The Special Adviser invited the Human Rights Council to adopt the Framework of Analysis that his Office had developed for assessing the risk of atrocity crimes.

24. The Special Adviser noted that genocide, war crimes and crimes against humanity were not single events that happened overnight. They were processes that involved different stages, and required planning and resources. The Framework of Analysis identified risk factors relevant to assessing the risk of genocide and other atrocity crimes. Identifying risks at an early stage provided opportunities to develop effective prevention strategies, well before situations escalated to the point where they became more costly and more difficult to control. The Special Adviser also encouraged the Human Rights Council to discuss how to better monitor the implementation of the Genocide Convention as, in contrast to other human rights treaties, the Convention did not provide for a dedicated body to monitor its implementation. He believed that the absence of a monitoring mechanism may encourage some States to ignore their obligations under the Convention, including the responsibility to prevent.

25. In his conclusion, the Special Adviser highlighted the importance of dedication and political will in fighting for a world where people were no longer targeted because of the colour of their skin, their ethnic background, their religious faith, or any other form of identity. The international community should strive to prevent future atrocity crimes.

26. In his intervention, Jonathan Sisson, of the Swiss Federal Department of Foreign Affairs, shared some reflections on the mechanisms of prevention and accountability for atrocity crimes. He noted that the adoption of the Genocide Convention in 1948 had marked a historical milestone on the path towards prevention and accountability. Nevertheless, he emphasized that, while the Convention provided an important framework for accountability after the commission of genocide, experience had shown that national and international courts found it exceedingly difficult in practice to convict the suspected authors of genocide. Furthermore, practitioners and policymakers had accumulated considerable

knowledge and experience in the field of genocide prevention since 1948, however that knowledge had not yet been followed by timely political decisions to prevent genocide.

27. Mr. Sisson referred to the 2013 report of the Secretary-General on the responsibility to protect, which had elaborated the emerging notion of "atrocity crimes" in relation to genocide, crimes against humanity, war crimes and ethnic cleansing. He stressed that an inclusive approach to prevention and punishment was both useful and necessary; it would create the basis for the development of a holistic prevention strategy. He noted that such a strategy would become operational much earlier in the conflict cycle than had been the case so far, as until now the focus had been on the later stage of genocidal intent. It would generate synergies among the different communities engaged in the responsibility to protect, the prevention of genocide, the protection of civilians, and transitional justice, beyond their respective lines of action, and would unite them in a joint endeavour.

28. Having highlighted the importance of a rapid response to stop the continuing cycle of mass atrocity, Mr. Sisson discussed several elements that such a response should entail. First, no society was immune from the threat of atrocities. Atrocity crimes could happen anywhere and at any time. Prevention was thus a central task for any sovereign and responsible State. Second, prevention was a permanent endeavour. History had taught us that prevention failed when violence and displacement took place on a large scale. Therefore, operational plans for prevention needed to be in place long before that happened. Prevention of atrocities should be understood in a way similar to prevention of threats to public health. Prevention required a permanent framework, so that when a threat was detected, the whole system was ready to act in a proactive way. Third, prevention was a cross-cutting issue. The root causes of atrocity crimes were manifold. Preventive measures needed to be part of the national agenda and linked in a consistent and effective way with long-term endeavours in the fields of peace, security and development. At times of mounting tensions, responsive and decisive mechanisms should be in place at the national level, supported by regional or international actors when needed. Fourth, dealing with the past was a prerequisite for prevention. Initiatives for prevention were especially challenging in post-conflict or post-authoritarian contexts, in which there was a legacy of human rights violations and abuses. In such cases, the updated set of principles for the protection and promotion of human rights through action to combat impunity provided a useful framework for addressing past abuses and providing redress, by combining initiatives in the area of truth-seeking, criminal accountability, victim compensation and institutional reform. Concerted efforts to deal with the past could serve to address fundamental grievances and rebuild trust in public institutions. Without such efforts, prevention policies would lack credibility.

29. In his conclusion, Mr. Sisson mentioned two positive recent developments. First, he highlighted the initiative undertaken by the Secretary-General to develop the six-point Rights up Front Action Plan. That response mechanism placed prevention and protection at the heart of United Nations strategies and operational activities. As such, it represented a serious effort on the part of the United Nations system to learn from its past failings; it placed a new emphasis on field-led activities and a coordinated approach from headquarters to prevent, or to end, large-scale violations of international human rights law and international humanitarian law. Mr. Sisson emphasized that that effort needed the support of Member States and civil society. Second, as had also been mentioned by the Special Advisor, Mr. Sisson drew attention to the first international meeting of the Global Action Against Mass Atrocity Crimes initiative, on the topic of prevention and protection, that had taken place in Costa Rica early in March 2014. That event had been organized at the initiative of Argentina, Costa Rica, Denmark, Switzerland and the United Republic of Tanzania, in cooperation with the Office on Genocide Prevention and the Responsibility to Protect, and had been attended by representatives of 56 Member States of the United Nations. The participants had elaborated suggestions and recommendations for the

development of national policies and architectures to prevent atrocities. In particular, they had discussed the importance of creating a platform of exchange and support for States committed to, or willing to commit themselves to, the prevention of atrocity crimes. What united the participants in that effort was the conviction that the States themselves had the primary responsibility for preventing atrocity crimes within their own territorial borders. This was a strong signal of national ownership and political will, formulated in a spirit of complementarity with ongoing global initiatives at the international level.

IV. Summary of the interactive discussion

30. Representatives of the following delegations spoke during the interactive discussion: Algeria, Argentina, Australia, Azerbaijan, Belgium, Brazil, Chile, Costa Rica (on behalf of the Community of Latin American and Caribbean States), Cuba (on behalf of the like-minded group), Egypt, Estonia, Ethiopia (on behalf of the African Group), the European Union, Hungary, Liechtenstein, Madagascar, Montenegro, Morocco, the Netherlands, New Zealand, Poland, Portugal, Rwanda, Sierra Leone, Slovenia, Spain, Sudan, Turkey, the United States of America and the Bolivarian Republic of Venezuela. Owing to a lack of time, the statements of the delegations of Cyprus, Ecuador, Ireland and Italy were not delivered.

31. Delegates of the following non-government organizations also spoke: the European Union of Public Relations, the Indian Council of South America, the International Association of Jewish Lawyers and Jurists and the World Environment and Resources Council.

A. National initiatives

32. During the interactive discussion, several delegates noted that States had the primary responsibility to protect their population from genocide and other atrocity crimes, and needed to take the necessary measures to sanction any human rights-related violations. It was also noted that the sixty-fifth anniversary of the Genocide Convention had given all States the opportunity to reflect on ways and means to avoid the recurrence of genocide. Several delegates considered that the most effective way of avoiding future cases of genocide was to prevent war and conflicts by tackling root causes at the national level. One of the key goals of the prevention of genocide agenda should be to acquire a full knowledge of the causes of genocide, of early warnings, and of the consequences of genocide. In that regard, several delegates highlighted the importance of promoting tolerance and respect for all groups, be they racial, religious, ethnic or any other kinds of groups. They recommended that cultural and religious tensions, which were often the root causes of conflicts, be adequately and carefully dealt with, in order to prevent their potential to flare up into conflicts and wars.

33. Several delegates emphasized that building protection capacities in countries at risk, before crises and conflicts broke out, could contribute to prevention efforts. In that regard, they mentioned the efforts made by some countries to generate opportunities for dialogue and exchanging best practices. For instance, prevention of genocide was part of the national policy of the Netherlands for protecting civilians in line with the principles of the responsibility to protect (R2P). The Government of the Netherlands had appointed a focal point on R2P and was working on putting that principle into practice. Similarly, Australia had had a national focal point for R2P since 2011 and had recently joined the Global Action Against Mass Atrocity Crimes initiative. It was recommended that all States consider appointing national focal points to coordinate and lead relevant activities. Furthermore, they should work collectively to prevent atrocity crimes such as genocide.

34. The United States had taken a number of steps to strengthen its capacity to prevent atrocities, which had included creating an internal mechanism to coordinate atrocity prevention efforts across government departments, thereby enhancing the collection and analysis of relevant intelligence, and expanding its multilateral and bilateral diplomatic efforts to identify warning signs and coordinate its response. The United States was also working to strengthen training and educational tools for diplomats and development experts, in order to better equip them to identify and respond to situations quickly and effectively. The recommendations of the country's Genocide Prevention Task Force were referred to as an excellent tool for the prevention of genocide.

35. The Government of Hungary had initiated the establishment of the Budapest Centre for the International Prevention of Genocide and Mass Atrocities in 2010. The activities of the Centre were focused on promoting effectively the culture of conflict prevention and on institutionalizing the prevention aspects of the Genocide Convention. The Centre concentrated on bridging the gap between early warning and early action, setting up and applying an integrated warning-response support system, generating political consensus for timely action, and assisting in developing the capacity of the international community to prevent mass atrocities. The initiatives launched by the Centre included a report on the capacities of the European Union at preventing mass atrocities, published in 2013; a multi-annual project to develop the skills of national administrations to prevent genocide and to operationalize the R2P; and various efforts to support the implementation of the mandates of the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect.

36. Several delegates encouraged States to build their capacity to prevent and respond to genocide, war crimes and crimes against humanity through the development of national expertise. They emphasized the importance of promoting truth, justice, reparation, and guarantees of non-recurrence of genocide. Economic development and restorative justice were also needed in order to prevent genocide. In addition, delegates highlighted the important role of civil society at the national level.

37. It was noted that, after the traumatic experience of atrocities committed by the military dictatorship between 1973 and 1989, Chile was strongly committed to the prevention of genocide and mass atrocities. The country had committed itself to guaranteeing that no such atrocities would be perpetrated in the future. Such guarantees of non-repetition were an essential part of a comprehensive reparation policy for past human rights violations.

38. National initiatives had also included the organization of several events. For instance, in June 2013, Italy had held an event dedicated to genocide prevention and the responsibility to protect, which had also focused on United Nations early warning mechanisms. In March 2014, Belgium had held an international conference on the prevention of genocide. At both events, participants had discussed various strategies and efforts relating to the implementation of the Genocide Convention.

39. Several delegates highlighted the importance of combating impunity, and of promoting democracy, the rule of law and good governance at the national level. For instance, it was stressed that the establishment of the Gacaca courts in Rwanda had contributed to delivering justice for Rwandans; more importantly, the courts had facilitated reconciliation in the country. Delegates also emphasized the importance of adopting the necessary legislation in order to ensure the implementation of the Genocide Convention at the national level. For instance, after its ratification of the Genocide Convention in 1982, Cyprus had adopted a specific law providing that "whoever commits any of the acts of genocide described in article II of the Convention or any of the acts listed in article III of the Convention is guilty of felony and, upon conviction, may be subject to the penalty of life imprisonment".

B. Regional initiatives

40. Several delegates highlighted the importance of regional initiatives for the prevention of genocide. In the immediate aftermath of the genocide in Rwanda, the African Union had enshrined a number of objectives and principles in its Constitutive Act to prevent the recurrence of genocide on the continent. These included the promotion of peace, security and stability; the promotion and protection of human and peoples' rights; respect for democratic principles, human rights, the rule of law and good governance; and the condemnation and rejection of impunity. The Ezulwini Consensus, of 2005, had further elaborated some of those objectives and principles. Moreover, in article 4 (h) of the Constitutive Act, African Union member States had endorsed the right of the Union to intervene in a member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.

41. On the basis of the aforementioned principles, the African Union and subregional organizations had made significant progress towards developing mechanisms for the prevention of genocide. The African Peace and Security Architecture had been established to respond, in a timely and decisive manner, to situations of conflict on the continent, particularly those that could potentially lead to genocide. More significantly, the Architecture aimed to foster better understanding of ways to develop preventive action. Mechanisms such as the Peace and Security Council, the African Union's early warning mechanisms, the African Standby Force and various African Union mediation efforts had enabled the continent to better respond to situations of conflict. In addition, through impartial and non-political judicial mechanisms, the African Union had adopted a firm position against impunity and in support of the need for accountability for heinous crimes.

42. At the subregional level, the Economic Community of West African States, the Southern African Development Community, the East African Community, the International Conference of the Great Lakes Region and the Intergovernmental Authority on Development had all established instruments and mechanisms aimed at preventing and resolving conflicts, in particular those conflicts that could lead to genocide.

43. The European Union was working actively, at both the EU level and the international level, to prevent violent conflicts. It used various means, including the promotion and protection of human rights, and close collaboration with civil society. The European Union itself was a successful example of how regional organizations contributed to the prevention of mass atrocity crimes. It had developed instruments to address the root causes of conflict. It had also put into place an early warning system to identify risks of future conflict and to ensure a timely response. Several measures had contributed to translating R2P into practice, including (a) recommendations of the European Parliament to the European Council on the United Nations principle of the responsibility to protect, adopted in April 2013; (b) the enlargement of the European R2P focal point network; (c) the report on the capabilities of the European Union to prevent mass atrocities; and (d) the targeted training of national administrations sponsored by the Budapest Centre for the International Prevention of Genocide and Mass Atrocities.

44. The Latin American Network for the Prevention of Genocide and Mass Atrocities had been established in March 2012. The goal of the Network was to prevent future atrocities via the training of public officials. It acted as a regional forum, bringing together countries in the region to exchange good practice, information, development policies and preventive tools. The Network had been working in collaboration with the Auschwitz Institute for Peace and Reconciliation, and with the Office of the Special Adviser on the Prevention of Genocide within the United Nations. It was currently working on the development and implementation of a curriculum for the prevention of genocide.

C. International initiatives

45. Several delegates emphasized that while the primary responsibility for the protection of its population lay with the State, the international community had a collective responsibility to respond if a crisis materialized. They considered that the international community should focus on providing comprehensive assistance to States to strengthen their capacity to protect their populations from crimes of genocide, and on preventive diplomacy.

46. In that context, some States considered that international cooperation should focus on the promotion and protection of human rights as a means to develop social resilience against massive human rights violations. Such cooperation should include: (a) initiatives to prevent hate speech and practices that incited racism, religious discrimination and xenophobia; (b) the empowerment of women, and promotion of the education of girls and women; (c) strengthening educational programmes on human rights, and the diffusion of a culture of peace; (d) the development of local political participation mechanisms by peaceful means; (e) the prevention of, and sanctions for, the practice of torture and other cruel, inhuman or degrading treatment; and (f) the provision of material and symbolic reparation to victims of grave human rights violations that had been perpetrated, encouraged or tolerated by the State. Several delegates stressed that those actions would contribute to discouraging the escalating dehumanization and the increasing deprivation of rights that preceded crimes against humanity and genocide.

47. Mass atrocities, including genocide, were extreme forms of human rights violations. The protection of human rights, therefore, was an important prerequisite to preventing genocide and mass atrocities. In that context, several delegates welcomed the Rights up Front Action Plan, as it would help to translate into practice the foundational belief underlying the prevention efforts of the United Nations: a better interconnection between peace and security, human rights and development. They also noted that this new initiative would create substantial synergies and would add value to preventive efforts.

48. It was also noted that it was not the lack of mechanisms but rather the lack of international political will that was problematic, because countries tended to focus on self-interest when they tackled crises. In that regard, some delegates stated that it was necessary to avoid double standards and selective approaches when dealing with different conflicts in the world, including situations of foreign occupation. They emphasized that wars, foreign interventions and unilateral coercive measures were not the best means of preventing genocide.

49. With regard to the emergence of new anti-Semitic forces in Europe, it was noted that verbal and physical violence against Jews, Roma and immigrants had been occurring in many parts of the continent. The swastika — the Nazi symbol — was still being used frequently around the world. States, and the Human Rights Council, were urged to declare that there would be no tolerance for genocidal acts or statements. States were also urged to include, in their reports for the universal periodic review, information on measures taken to combat genocide and other acts going against the spirit of the Genocide Convention.

50. With regard to the role of the Security Council, it was noted that the Council must exercise its responsibility to protect populations from atrocity crimes. This required a serious change in the way in which permanent members used their veto. States should not prevent the United Nations from taking meaningful action to protect civilian populations. It was emphasized that there must be an urgent review of United Nations mechanisms, particularly those of the Security Council. In that context, one delegate spoke of the advocacy initiative of France to implement a code of conduct that would prevent the use of the veto in serious situations.

51. Many delegates recognized the valuable work of the Office on Genocide Prevention and the Responsibility to Protect. In particular, they noted the role of the Office in reinforcing United Nations early warning mechanisms and the national prevention capacity. They stressed that the Analysis Framework developed by the Office was an invaluable tool. All States should not only use the Analysis Framework, but should cooperate to improve the Framework so as to establish, with the utmost clarity, indicators suggesting high risk factors. The Analysis Framework was a tool allowing for the evaluation of risks, which included eight indicators.[2]

D. Disseminating knowledge and raising awareness

52. Several delegates noted that a central element of genocide prevention was to acquire full knowledge of the causes of genocide, of early signs, and of the consequences of genocide. In that vein, education and the promotion of tolerance and respect for all populations and groups — be they national, ethnic, racial, religious, or other groups — was essential. Delegates also highlighted the importance of disseminating information about the Convention. They noted that raising awareness was crucial, because the international community should not forget that genocides were still taking place, and there were still risks of new genocides. Initiatives for raising awareness should include engaging stakeholders in interdisciplinary dialogues and educational campaigns.

53. Delegates also emphasized that fostering a culture of peace strengthened the rejection of violence in society. It encouraged the denunciation of abuses and provided early warning against massive human rights violations. The speakers also referred to the introduction and enactment, by a number of States, of legislation to address genocide denial. In that regard, it was emphasized that practical measures could be taken at the international level to meaningfully address genocide denial. Survivors could play an important role in preserving memories and truth, which would contribute to countering genocide denial.

E. Combating impunity, and the role of the International Criminal Court

54. Several delegates stated that the prosecution of genocide, war crimes and crimes against humanity was, first and foremost, a national responsibility. However, national investigations and prosecutions often failed when there was an urgent need for justice to prevail.

55. If States were unwilling or unable to prosecute those crimes, the International Criminal Court should play a role. In that context, the Netherlands had taken the initiative, together with Argentina, Belgium and Slovenia, to establish a multilateral treaty on mutual legal assistance and extradition for atrocity crimes, including genocide.

56. Several delegates emphasized that having an International Criminal Court that had universal jurisdiction would ensure its effectiveness, which was in the interest of all humankind. The Friends of the International Criminal Court were making efforts to support the Court in implementing its mandate in the most efficient manner. It was important to recall that the steps taken by the Court were not directed against any particular nations or States, but against the alleged perpetrators who were responsible for atrocity crimes. Some

[2] The full text of the Analysis Framework is available at: http://www.un.org/en/preventgenocide/adviser/pdf/osapg_analysis_framework.pdf.

delegates also highlighted the role that regional judicial mechanisms could play in combating impunity for such crimes.

V. Concluding remarks

57. **In addressing the issue of the prevention of genocide, particularly in connection with early warning signs, the panellists highlighted the importance of using existing mechanisms, establishing a national architecture with focal points for atrocity crimes, and strengthening national capacity. The aim should be a collective and global effort to prevent genocide and other atrocity crimes. In addition, the panellists urged States to involve civil society when addressing the prevention of atrocity crimes and the protection of populations from such heinous crimes.**

58. **The panellists stressed the importance of supporting national institutions in ensuring that human rights and the rule of law were respected without discrimination. It was important to establish credible and trustworthy institutions, to eliminate corruption and to foster a climate that allowed individuals to fully enjoy all human rights: civil, political, economic, social and cultural.**

59. **The panellists also highlighted the importance of searching for missing persons and victims of genocide and other atrocity crimes. They recommended that States should take measures to help victims and survivors so that they could begin a new life. They urged States to promote cohesion and reconciliation, while preserving memories and truth. Memorials should focus on healing the society and helping everyone to move on.**

60. **The panellists recommended that the Human Rights Council continue to discuss ways to ensure the prevention of genocide. The Council should strengthen the preventive aspects of its works. It must not wait for situations to worsen before discussing the issue of prevention. The Council should consider using the Analysis Framework on the prevention of genocide, developed by the Office on Genocide Prevention and the Responsibility to Protect, in its prevention works and in conducting appropriate assessments of critical situations. The panellists also highlighted the importance of commissions of inquiry established by the Council.**

61. **The panellists recommended States and other stakeholders to pay attention to strengthening accountability, both at the national and the international levels, which was important in the fight against impunity and in the prevention of atrocity crimes. To further those goals, they emphasized the need to ensure universal ratification of the Rome Statute of the International Criminal Court.**